

'I'VE GOT YOU' SNAPS BELASCO

ERLANGER SNEERS AT CONSPIRACY INDICEMENT TALK.

Crowd Expected a Managerial Stinging Match in Court—Manager Nixon Admits Contract to Control 65 Theatres—Copies Hard to Find—Legal Skating

David Belasco and his arch enemy, Abraham Erlanger, almost came to blows at the close of yesterday's session of the trial before Supreme Court Justice Fitzgerald of the counter suits between Belasco and Joseph Brooks over the accounting for the profits of "The Auctioneer." Belasco and Brooks were nominally partners in the production, but Belasco says that Brooks was merely a dummy for Klaw & Erlanger, who, he has testified, only consented to give him a route for the show on his promise to give him half the profits.

During the afternoon session Samuel Untermyer, Belasco's counsel, elicited from various witnesses the statement that the firms composing what is known as the "theatrical trust," namely Klaw & Erlanger, Al Hayman, Charles Frohman and Nixon & Zimmerman, had signed a contract which bound them into a syndicate and by which they control the majority of first class theatres in the East.

When Justice Fitzgerald adjourned court, Belasco, who had been sitting near his counsel, jumped up, threw his hat and overcoat on the lawyers' table and stepping toward Erlanger, shook his finger menacingly in the latter's face. Klaw was standing near by.

"I've got you now where I want you," hissed Belasco, chopping his words as a pair of scissors cut paper. "I'll have you indicted for criminal conspiracy, and I'll land you in jail before I get through with you. This is the evidence that I've been waiting for for years, and I'll show you up now before the people."

His clerical collar almost blushed at his vigorous gestures and language, and the jostling bystanders were ready for a free exhibition of managerial fistfists, but Erlanger merely patted his white edged vest and, linking his arm in Klaw's, went out sneering.

When Belasco's friends had hustled him out of the court room, he broke away and dashed frantically back. The crowd almost broke down the doors to follow him, but turned disappointed when he was seen emerging triumphant, hat on head and overcoat on his arm. Then the Erlanger crowd took the elevator and the Belascosites the stairs.

During the morning session Benjamin F. Roeder, Belasco's business manager, repeated under cross-examination his testimony that Klaw & Erlanger, by putting Brooks up as a dummy partner, had deceived "the people across the street," meaning the rest of the syndicate, in order to let themselves in on Belasco's good thing, the starring of David Belasco.

Samuel F. Nixon, of Nixon & Zimmerman, the Philadelphia members of the syndicate, was then called by Abe Gruber, Erlanger's counsel. He admitted that he was the custom in the syndicate to charge big prices and allow relatives to a favored few. Nixon said he wanted to get away in a hurry, as he had a date at Atlantic City.

"Better wait a while, Mr. Nixon," said Mr. Untermyer as he took him in hand for cross-examination. "By your own testimony, you name Nirdlinger, and not Nixon?"

"Yes," admitted the witness, "Nixon's my name for business purposes."

Nixon then testified, though reluctantly, and only in response to a searching cross-examination, that in 1896 his firm had been a party to a contract signed by Hayman, Klaw & Erlanger, and Frohman, in 1900.

Mr. Untermyer asked Nixon to produce the contract. Nixon said he had a copy of the contract in his Philadelphia office, but the original remained with Hayman.

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"We haven't got it," replied Abe, "and you know it. You can't play with me that way."

"That's just it," said Untermyer. "Every time we tried to play with you we found we couldn't. You won't let us play with you."

Erlanger was next called by Mr. Untermyer, but denied having any copy of the contract. He denied that there was any copy of the contract, and that Erlanger said that anyway it only covered about sixty or sixty-five theatres, not all the houses.

Robert Walker, Al Hayman's secretary, testified that Hayman had the original of the contract in his possession. Hayman, he said, is now somewhere in France.

"That's a pretty good distance from here," said Mr. Untermyer. "Maybe it's in his safe. Could you blow it open for us and find out?"

"You'd have to do the blowing yourself," replied Walker.

Marc Klaw, Erlanger's partner, also remembered the contract, but had no copy of it. He remembered suggesting some of its terms, but was not allowed to disclose particulars.

"Don't you think you were skating on pretty thin ice when you signed that document, pretty close to criminal conspiracy?" asked Untermyer.

"Oh, I don't know," replied Klaw. "I'm a pretty good skater anyway."

Nixon was then recalled and questioned about the whereabouts of his copy of the contract. He was doubtful whether he could produce it or not to-day, and though he begged to be allowed to finish his testimony and go to Atlantic City, Mr. Untermyer told him to reappear for examination this morning.

LET THE CHILD ALONE.

The Rev. Merle St. Croix Wright's Advice to Mothers on Discipline.

The Rev. Dr. Merle St. Croix Wright talked about parental discipline to the City Mothers' Club, yesterday afternoon at the Murray Hill Hotel.

"Give the children more active accomplishments—dancing, horseback riding, gymnastics work, swimming," he said. "I think that a child who associates closely with the noble horse cannot go far wrong."

"Praise, not blame, is the great agent that helps children to grow. For children are all heroes, and there is nothing they will not do that you believe or expect them to do. I wouldn't break a child's will for anything, nor take the bloom from its nature. There is nothing in the world like the real nature of a child. And parents sometimes attempt to break the will of the child when they themselves are out of temper and punish without cause. Instead they should keep their heads cool and their reason calm if the child needs punishment."

"The punishment should fit the child, and not the crime. Study your child. It may be imaginative. It may be sensitive. It may do a mischief, a thing just for a change. In that case how can you punish it by any set of hard and fast rules. Always make the child understand just why it is being punished."

"I consider that to bring up one child might be called an art, but to bring up many must be a handicraft. Children get licked and whipped and rounded into shape among other children. They get independence in this way, and that is really the experience of the world. It seems to me you can't let a child too much alone."

"Freedom, companionship, fellowship, love—these are what children need. By trusting and believing in them you can bring about the things in them that you desire to see. It works like Christian Science. It seems to me that the lesson between parents and child is one of reciprocity—that each grows through the other. And I believe that the children have more rights against the parents than the parents have against the children."

A discussion by the mothers followed.

"A Square Deal!"

—President Roosevelt.

Distillery [Square] Bottling

Mount Vernon

It's Square!

Square Whiskey in Square

Bottles.

THE COOK & BERNHEIMER CO.

ANOTHER TUNNEL "BLOW OUT."

This, and litigation by New York Dock Company, Cause a Shut Down.

All work on the Brooklyn end of the subway tunnel under the East River was stopped yesterday by a suit brought by the New York Dock Company against the tunnel contractors in the Supreme Court, Brooklyn, and a second blow out under the river, which occurred on Sunday, this time in the south tube, where work has been steadily progressing since the accident of two weeks ago, when Richard Creedon was shot up through the bottom of the river.

The latest blow out occurred at a time when there was no men at the working end of the south tube. The tube is flooded, however, and, because of the litigation over the work necessary for repairing the rent made in the river bottom by the compressed air that shot Creedon to the surface, the contractors have decided to shut down the tunnel.

The Interborough company has a clause in its contract by which the city agrees to protect it from all interference with the work of building the tunnel. The Corporation Counsel therefore appeared in Special Term yesterday before Justice Macdonald in defense of the contractors, whom the New York Dock Company seeks to restrain by injunction from dumping dirt, stone and sand bags in the river along with their pier to cover the canvas cap that was lowered after the accident of two weeks ago.

Corporation Counsel Rives declared that the city, the real defendant in the matter, was fully able to respond to damages for any injuries the plaintiff might sustain by reason of the filling in of the waterway, beside the company's docks, and argued that the injunction should not be granted. It was contended by the plaintiff's attorneys that the contractors were going on with the work without the sanction of law, since the order appointing the commissioners to condemn the property of the plaintiff had not been filed.

The Corporation Counsel admitted that the order had not been filed, but insisted that this did not invalidate the proceeding, as the defect could be remedied. Justice Macdonald said that the defendant was wrongfully there, since the order appointing the commissioners had not been filed. He suggested that a bond be required of the defendant and took the papers, reserving decision.

FIRE DRILL A GREAT SUCCESS.

There Was a Real Fire, but 2,500 School Children Marched as if There Were Not.

Fire was discovered yesterday in Room 16 of Public School 3, in Hancock street, near Bedford avenue, Brooklyn, and 1,500 children marched through smoke to the street, under great nervous tension, but without a break in the lines. A thousand more at the same time marched from the primary department in the annex building, in charge of a woman principal. All got to the street within three minutes, before the fire engines arrived.

The fire was discovered in a closet of the classroom by a boy monitor who was in charge of the empty room while the class was in the auditorium on the third floor.

With several other classes reciting a lesson. The boy, Ray Wingard, ran to the office of Principal Le Salle H. White, who was entertaining as a visitor John Constance, a former pupil, and told of the fire.

Principal White rang the fire bells for both the main school and the annex, giving the hurry signal for the annex and the classrooms, and notifying the professor of music to keep the children in the auditorium at their singing for half a minute, to enable them to get down the stairs.

The children were calm, although aware that the signals for a fire exit had been sounded. When the classes from the music room began to file out into the hall and down the stairways, the smoke was plainly discernible, yet there was no excitement. The teachers stood on the stairs and directed the pupils until the last child had passed out.

Principal White, after giving the signals, had hurried to Room 16 with a chemical extinguisher, and aided by Mr. Constance, tried to put out the fire, which was in a closet among a lot of papers and school supplies. The fire had gained considerable headway and was too much for the principal and his assistant. They were about to beat a retreat when the firemen arrived and soon subdued the flames, using only the chemical extinguishers.

After half an hour's delay and excitement the children were marched back into their classrooms and all settled down to study as though nothing unusual had occurred.

MORE FROM CARNEGIE.

An Additional Gift of \$14,000 From Iron Master to Dickinson College.

CARLETON, Pa., April 10.—President Reed of Dickinson College announces an additional gift of \$14,000 by Andrew Carnegie for Coal Hall, making his entire donation \$40,000 and him the sole donor of the Hall. It will be necessary for Dr. Reed to raise an equivalent sum. He reports \$58,000 already contributed for Denny Hall, now nearing completion, and \$12,000 yet to raise to reach the necessary \$70,000.

Favor Giving Train His \$200,000.

Tenement House Commissioner Crain appeared yesterday before the Aldermen's Finance Committee to urge the appropriation of \$200,000 to enable him to employ additional inspectors. Chairman Donohue said that the committee would report in favor of the appropriation. Should the Aldermen adopt the report the Board of Estimate will have to concur before Mr. Crain gets his money.

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BILL N. Y. CENTRAL MUST PAY.

HIGHEST COURT DECIDES PARK AVENUE DAMAGE CASES.

Abutting Owners Must Be Compensated for Light and Air, Although the State Commanded the Road to Build the Viaduct—Several Millions Involved.

The Supreme Court of the United States gave a decision yesterday by a divided court in favor of the plaintiff in the case of Henry Muhler against the New York Central Railroad and the New York and Harlem Railroad. Muhler owns property at 115th street and Park avenue, and he sued to recover damages after the new steel viaduct was erected by the railroad in front of his premises. The Court of Appeals of this State decided that he was not entitled to damages, and he took the case to the United States Supreme Court on the ground that he had been deprived without compensation of his property in the shape of easements of light and air. The Court so holds. Nearly a hundred like cases, involving claims for nearly \$5,000,000 are affected by the decision.

After awarding damages in several of the suits, the New York court, in the present case, reversed by a divided bench its stand in the prior cases and held that as the statute authorizing the change of grade made that action compulsory upon the companies, and the right of access restored by the elevation of the viaduct offset the loss by light and air, the roads were not liable for damages. Muhler then appealed, Elihu Root appearing for him.

Justice McKenna, who gives the opinion of the court, says that the command of the State and the duty of the railroad to obey might nevertheless encounter the inviolability of private property.

The taking of the tracks from the trench and placing them upon an elevated structure undoubtedly restored access to the property, but deprived it of light and air. To do this was to make one easement dependent upon another, both being inseparable attributes of property and equally necessary to its enjoyment. It was impossible to conceive of a city without streets or with any benefit in streets, if the property abutting on them had not attached to it, an essential and inevitable part, easements of light and air as well as of access.

It was something like mockery to give the access to property which might be lost to live on when one got there. Because the owner might cross the railroad at more places on the street, the State, it was contended, could authorize the taking of smoke from 200 trains a day to be poured into the upper windows of his house. Quoting from a decision by the New Jersey courts, Justice McKenna said that the right of abutting owners to light and air was founded in such an urgent necessity that all laws and legal proceedings would be for granted—no right to be protected itself, so urgent that upon any attempt to annul or infringe it, it would set at defiance all legislative enactments and all judicial decisions. That in New York the easements could be taken away in the interest of the public had been settled in the elevated railroad cases, which declared them to be property within the protection of the constitutional provision for compensation. The plaintiff justified under the assurance of these cases.

Chief Justice Fuller and Justice White, Peckham and Holmes dissented, on the ground that the majority opinion gave too great weight to the rights of the individual and too little to the power of the State and the welfare of the public.

Albert B. Harris, general attorney of the New York Central, refused yesterday to discuss the decision, but gave an opinion as to what effect it might have on other cases pending for damages in Park avenue. He said it would be impossible to talk intelligently on the matter until he had had a chance to read the decision. The aggregate amount involved in the Park avenue damage suits was large, but just how large he could not say.

The decision caused something of a stir in Wall Street, and in some quarters the stock of the New York Central was depressed by the adverse action of the court.

FOUNTAIN OF FLAME

In Astor House Basement—Turned Off at Meter—Superheated Engines.

A clerk in the store of D. A. Doyle, in the basement of the Astor House, let a steamer trunk fall from the top of a high tower of trunks yesterday afternoon. It struck a chandelier and knocked off one gas jet. The escaping gas caught fire from another jet and in less than a second the middle of the room looked like a fountain of flame.

The gas was turned off at the meter before any damage was done, but a bystander turned in a fire alarm, which brought three engines, a water tower and a battalion chief.

The guests of the hotel who were in the parlors and the office began to be interested in the engine stopped at the door, but the apparatus was on the way home before they could develop a scare.

FAMILY QUARANTINED.

Father Refused to Leave Daughter, Dead of Cerebro-Spinal Meningitis.

Mrs. Frieda Batsch of 70 Madison street, Hoboken, and her four children, whose ages range from 8 to 12, were quarantined in the detention room at police headquarters in that city yesterday night soon after her time-old daughter, Miriam, died of cerebro-spinal meningitis. Herman Batsch refused to leave the room where his daughter's body was laid out, and the police did not disturb him.

POSTUM CEREAL.

CHILDREN AFFECTED

By Mother's Food and Drink.

Many babies have been launched into life with constitutions weakened by disease taken in with their mother's milk. Mothers cannot be too careful as to the food they use while nursing their babies. The experience of a Kansas City mother is a case in point.

"I was a great coffee drinker from a child, and thought I could not eat a meal without it. But I found at last it was doing me harm. For years I had been troubled with dizziness, spots before my eyes and pain in my heart, to which was added, two years ago, a chronic sour stomach. The baby was born 7 months ago, and almost from the beginning it, too, suffered from sour stomach. She was taking from me."

"In my distress I consulted a friend of more experience than mine, and she told me to quit coffee, that coffee did not make good milk. I have since ascertained that it really dries up the milk."

"So I quit coffee, and tried tea and at last cocoa. But they did not agree with me. Then I turned to Postum Cereal with the happiest results. It proved to be the very thing I needed. It not only agreed perfectly with baby and myself, but it increased the flow of my milk. My husband then quit coffee and used Postum, quickly got well of the dyspepsia with which he had been troubled. I no longer suffer from the dizziness, blind spells, pain in my heart or sour stomach. Postum has cured them."

"Now we all drink Postum, from my husband to my seven months old baby. It has proved to be the best hot drink we have ever used. We would not give up Postum for the best coffee we ever drank." Name given by Postum Co., Battle Creek, Mich.

There's a reason. Get the little book "The Road to Well-being" in each pkg.

REFORMATORIES FOR FORGERS.

Lee D. Evans and His Young Wife to Be Separated One Year.

Lee D. Evans and his eighteen-year-old wife, Florence, who last week pleaded guilty to forgery, were arraigned yesterday for sentence in the County Court, Brooklyn. Judge Aspinall sent Evans to the Elmira Reformatory and the girl to the Bedford Reformatory. It was said on behalf of the young woman that, in indorsing the checks to which Evans signed the name of her father, W. B. Springer, she had thought she was doing nothing wrong. Judge Aspinall said that under the law he had no discretion in the case, and that she would have to go to the reformatory.

YASSAR WANTS A MILLION.

Must Have New Dormitories or Limit the Number of Students.

PHOTOGRAPH, April 10.—If some of the multi-millions of the country will turn their eyes Yassarward they will confer a favor on the faculty. President Taylor would gladly accept a check for a million or two to provide new dormitories, without which it will be necessary to limit the number of students at the college to 1,000 for five years.

There are now 53 students at the college, and many young women will be turned away next year for the applicants will run far beyond the thousand mark. John D. Rockefeller has been a liberal contributor to the college in the past. It is thought that the college will accept the million and provide the much needed dormitory room.

CENSURED THE INTERBOROUGH.

Coroner's Jury Thinks Green Men Were Employed During Strike.

An inquest was held yesterday into the deaths of William A. Curran of 523 West Forty-ninth street and Samuel Ostreicher of 54 Lenox avenue, who died as the result of injuries in the subway collision at Twenty-third street on March 7. The Coroner's jury censured the Interborough company for allowing incompetent men to take out trains during the recent strike. Manager Hedley, who had been subpoenaed, did not appear.

"I have sent subpoenas for a number of the officials of the Interborough company to appear here to-day," said Coroner Scholer, "but they seem very unwilling to come. I think the accident was caused by green men being employed. Both the motorman and the conductor have disappeared and cannot be found."

Lawyer Mason, who appeared for the company, said Mr. Hedley expected an adjournment of the case. After the verdict Mr. Mason said:

"I think the Coroner's statement about the unwillingness of Mr. Hedley or any other officer of the company to appear at the inquest is wholly unwarranted. I saw the Coroner early in the morning and understood that there would be no difficulty in getting a postponement. As a matter of fact Mr. Hedley was not served with a subpoena."

CHECKS SIGNED BY THE MAJOR.

Soldier Charged With Desertion Had 23 Good Things, Secret Service Men Say.

Edward McDonald, a United States soldier, attached to the recruiting office at 705 Sixth avenue, deserted that post, it is alleged, on March 31, taking with him twenty-two blank checks signed by Major W. M. Day, recruiting officer.

McDonald visited a number of cities in Pennsylvania, and the army authorities say, easily disposed of his checks for various sums as he saw fit to fill them out.

Secret Service Officers Henry and Keating said McDonald on the West side yesterday and promptly arrested him.

Payetteville Post Office Robbed.

SYRACUSE, April 10.—The safe in the post office at Payetteville was blown open with nitroglycerine at an early hour this morning and stamps and cash amounting to \$700 were taken. This robbery followed the robbery of a blacksmith shop and a horse and buggy there. The same post office was entered a year ago last September by Evansville's gang which, it is now serving time at Auburn for robbing the post office at Holland Patent.

Court Calendars This Day.

Appellate Division—Supreme Court—Nos. 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 52